

3. Attached hereto as Exhibit 1 is a true and correct copy of the Complaint in this action.

4. Attached hereto as Exhibit 2 is a true and correct copy of City Defendants' Answer to the Complaint.

5. Attached hereto as Exhibit 3 is a true and correct copy of Defendant Kirkweg's Answer to the Complaint.

6. Attached hereto as Exhibit 4 is a true and correct copy of excerpts from the deposition of Plaintiff Robert Mahaffy, taken on March 11 and March 17, 2010.

7. Attached hereto as Exhibit 5 is a true and correct copy of excerpts from the deposition of Defendant Barbara Kirkweg, taken on May 25 and August 2, 2010.

8. Attached hereto as Exhibit 6 is a true and correct copy of excerpts from the deposition of MaryAnne Mandell, taken April 19 and April 23, 2010.

9. Attached hereto as Exhibit 7 is a true and correct copy of excerpts from the deposition of Elena Papaliberios, taken on June 14, 2010.

10. Attached hereto as Exhibit 8 is a true and correct copy of the Affidavit of William McCoy, dated September 23, 2010.

11. Attached hereto as Exhibit 9 is a true and correct copy of the Affidavit of Greg Winn, dated March 12, 2010.

12. Attached hereto as Exhibit 10 is a true and correct copy of the Salary History of Plaintiff Mahaffy Bates-stamped D000395-96.

13. Attached hereto as Exhibit 11 is a true and correct copy of the transcript from the Performance Rating Appeal Hearing of Plaintiff Mahaffy documents produced in discovery by Plaintiff Bates-stamped RM0819-45.

14. Attached hereto as Exhibit 12 is a true and correct copy of Section 5 of the Collective Bargaining Agreement (“CBA”) between the DOE and the United Federation of Teachers (“UFT”), Bates-stamped D000603-05.

15. Attached hereto as Exhibit 13 is a true and correct copy of Section 17 of the CBA between the DOE and UFT, Bates-stamped, D000690-95.

16. Attached hereto as Exhibit 14 is a true and correct copy of the Grievance Committee Decision regarding Plaintiff Mahaffy’s Termination Grievance, Bates-stamped D000492-93.

17. Attached hereto as Exhibit 15 is a true and correct copy of the Report of the Committee Reviewing TSgt. Mahaffy’s Unsatisfactory Rating, Bates-stamped D000458-59.

18. Attached hereto as Exhibit 16 is a true and correct copy of Plaintiff Mahaffy’s Air Force Performance Reviews for calendar years 1999 through 2003, Bates-stamped RM0309-18.

19. Attached hereto as Exhibit 17 is a true and correct copy of an email sent by Defendant Kirkweg to Plaintiff Mahaffy, dated August 25, 2007 and Bates-stamped D003675.

20. Attached hereto as Exhibit 18 is a true and correct copy of an email sent by Defendant Kirkweg to Jo Alice Talley dated, September 11, 2007 and Bates-stamped D003755.

21. Attached hereto as Exhibit 19 is a true and correct copy of an email from Defendant Kirkweg to Plaintiff Mahaffy, dated November 22, 2007 and Bates-stamped D004084.

22. Attached hereto as Exhibit 20 is a true and correct copy of the resignation letter of MSgt. Joseph Picone to Defendant Kirkweg, dated April 16, 2007 and Bates-stamped BK 107.

23. Attached hereto as Exhibit 21 is a true and correct copy of a letter from Defendant Kirkweg to MSgt. Joseph Picone, dated April 16, 2007 and Bates-stamped D001198.

24. Attached hereto as Exhibit 22 is a true and correct copy of the resignation letter of TSgt. Bobby Williams to Defendant Kirkweg, dated April 16, 2007 and Bates-stamped BK 108.

25. Attached hereto as Exhibit 23 is a true and correct copy of a letter from Defendant Kirkweg to TSgt. Bobby Williams, dated April 16, 2007 and Bates-stamped D001197.

26. Attached hereto as Exhibit 24 is a true and correct copy of Plaintiff Mahaffy's class schedule for the week of January 28, 2008 and Bates-stamped RM0055.

27. Attached hereto as Exhibit 25 is a true and correct copy of an email from Defendant Kirkweg to Jo Alice Talley, dated February 13, 2008 and Bates-stamped D004768.

28. Attached hereto as Exhibit 26 is a true and correct copy of the Observation Report conducted by MaryAnne Mandell, dated, February 12, 2008 and Bates-stamped D000424-26.

29. Attached hereto as Exhibit 27 is a true and correct copy of the Termination Letter from Defendant Kirkweg to Plaintiff Mahaffy, dated May 3, 2009 and Bates-stamped RM0001.

30. Attached hereto as Exhibit 28 is a true and correct copy of a complaint from Parent Coordinator Chandra Joseph, dated February 9, 2008 and Bates-stamped BK0142.

31. Attached hereto as Exhibit 29 is a true and correct copy of a complaint from Parent Coordinator Chandra Joseph, dated February 29, 2008 and Bates-stamped BK0143.

32. Attached hereto as Exhibit 30 is a true and correct copy of an email from MaryAnne Mandell to Defendant Kirkweg, dated March 2, 2008 and Bates-stamped RM0012.

33. Attached hereto as Exhibit 31 is a true and correct copy of a complaint by MaryAnne Mandell, dated March 19, 2009 and Bates-stamped RM0013.

34. Attached hereto as Exhibit 32 are true and correct copies of a Letter of Reprimand from MaryAnne Mandell to Plaintiff Mahaffy dated, March 24, 2008 and Plaintiff Mahaffy's Rebuttal letter, dated March 25, 2008 and Bates-stamped RM0021-23.

35. Attached hereto as Exhibit 33 are true and correct copies of a Letter of Reprimand from MaryAnne Mandell to Plaintiff Mahaffy, dated April 11, 2008 and Plaintiff Mahaffy's Rebuttal, dated April 14, 2008 and Bates-stamped RM0028-30.

36. Attached hereto as Exhibit 34 are true and correct copies of a letter from MaryAnne Mandell to Plaintiff Mahaffy, dated April 14, 2008 and Plaintiff Mahaffy's Rebuttal bates-stamped RM0031-32.

37. Attached hereto as Exhibit 35 are true and correct copies of a letter from MaryAnne Mandell to Plaintiff Mahaffy, dated April 14, 2008 and Plaintiff Mahaffy's Rebuttal, dated April 14, 2008 and Bates-stamped RM0033-36.

38. Attached hereto as Exhibit 36 is a true and correct copy of a Doctor's Note from Dr. Leslie Bennett, dated April 6, 2008 and Bates-stamped RM0046.

39. Attached hereto as Exhibit 37 is a true and correct copy of an Observation Report conducted by Assistant Principal Michelle Penn, Bates-stamped RM0038-42.

40. Attached hereto as Exhibit 38 is a true and correct copy of a letter sent to students' parents, dated March 30, 2008 and Bates-stamped RM0248

41. Attached hereto as Exhibit 39 is a true and correct copy of an email from Timothy Opium to Sharon Berger, dated April 8, 2008 and Bates-stamped D006111-12.

42. Attached hereto as Exhibit 40 is a true and correct copy of an email from Timothy Opium to Brian Rosenbloom, dated April 9, 2008 and Bates-stamped D006113.

43. Attached hereto as Exhibit 41 is a true and correct copy of an email from Elena Papaliberios to Brian Rosenbloom, dated April 22, 2008 and Bates-stamped D006110.
44. Attached hereto as Exhibit 42 is a true and correct copy of an email to Elena Papaliberios, dated April 28, 2008 Bates-stamped D006109.
45. Attached hereto as Exhibit 43 is a true and correct copy of an email from Timothy Opium to Elena Papaliberios, dated May 8, 2008 and Bates-stamped D006138-39.
46. Attached hereto as Exhibit 44 is a true and correct copy of an email from MaryAnne Mandell to Plaintiff Mahaffy, dated May 12, 2008 and Bates-stamped D002543.
47. Attached hereto as Exhibit 45 is a true and correct copy of an article from The Dailey New entitled “Air Force May Ground BX. HS,” dated May 14, 2008 and Bates-stamped RM0082.
48. Attached hereto as Exhibit 46 is a true and correct copy of a Step 1 Grievance Form filed by Plaintiff Mahaffy, dated May 15, 2008 and Bates-stamped D000520.
49. Attached hereto as Exhibit 47 is a true and correct copy of Plaintiff Mahaffy’s Annual Performance Review for the 2007-2008 school year Bates-stamped D000410-11.
50. Attached hereto as Exhibit 48 is a true and correct copy of a letter from Defendant Kirkweg to Michelle Penn, dated November 30, 2008 and Bates-stamped D005963.
51. Attached hereto as Exhibit 49 is a true and correct copy of a document entitled “Chancellor’s Committee Report,” Bates-stamped D000456.
52. Attached hereto as Exhibit 50 is a true and correct copy of a letter from Santiago Taveras to Plaintiff Mahaffy, Defendant Kirkweg and E. Papaliberios, Bates-stamped D000485.

53. Attached hereto as Exhibit 51 is a true and correct copy of the Interview Application completed by Michael Hill, Capt., USAF (Ret.), dated November 3, 2006 and Bates-stamped RM0258-59.

54. Attached hereto as Exhibit 52 is a true and correct copy of a letter from the Special Commissioner on Investigation to Hon. Joel I. Klein, Chancellor of the New York City Public Schools, dated April 2, 2010 and Bates-stamped BK0220-27.

55. Attached hereto as Exhibit 53 is a true and correct copy of a letter from Col. Richard Ragaller to Elena Papaliberios, dated April 10, 2008 and Bates-stamped RM0085-86.

56. Attached hereto as Exhibit 54 is a true and correct copy of a letter from Col. Norm Balchunas to Defendant Kirkweg, dated April 24, 2006 and Bates-stamped BK0119-21.

57. Attached hereto as Exhibit 55 is a true and correct copy of an email from Defendant Kirkweg to Marge Feinberg, dated May 12, 2008 and Bates-stamped D005523-24.

58. Attached hereto as Exhibit 56 is a true and correct copy of an email from MaryAnne Mandell to Plaintiff Mahaffy, dated May 12, 2008 and Bates-stamped D002543.

59. Attached hereto as Exhibit 57 are true and correct copies of the confidential portions from the Deposition of Defendant Barbara Kirkweg.

60. I declare under penalty of perjury that the foregoing is true and correct.

Dated: September 24, 2010
New York, New York



Gregory N. Filosa